



## CALIFORNIA HIGH SPEED RAIL AUTHORITY

### Unsolicited Proposals Policy

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POLI –LEG-##	Unsolicited Proposals Policy	Rev: 0	June 6, 2013

	<b>NAME</b>	<b>DATE</b>	<b>SIGNATURE</b>
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Approved for CHSRA:	Full Board		

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# CALIFORNIA HIGH-SPEED RAIL AUTHORITY

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## POLICY DIRECTIVE

Number POLI-LEG-##

APPROVED BY

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Jeff Morales  
Chief Executive Officer

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DATE

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### SUBJECT: Unsolicited Proposals Policy

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The California High-Speed Rail Authority (Authority) is overseeing the design and construction of the high-speed rail system, to include over 800 miles of track connecting urban centers from San Francisco to San Diego and to Sacramento, utilizing trains that operate at speeds up to 220 mph. As the Authority moves into construction of the Initial Operating Segment (IOS), staff has continued to develop and refine plans for funding future segments and covering other costs associated with the construction, operation and maintenance of the high-speed rail system.

Due to the nature of the high-speed rail project, the Authority receives unsolicited proposals and inquiries for a range of services with varying level of detail and commitment. An unsolicited proposal can present unique and innovative ideas or approaches that have been privately developed and offered to the Authority.

#### Policy

It is the policy of the Authority to accept the submission of unique and innovative ideas. Unsolicited proposals allow unique and innovative ideas or approaches that have been developed to be made available for use in accomplishment of the Authority's needs. Valid unsolicited proposals are written offers to perform a proposed task or initiative that are:

- (1) innovative and unique;
- (2) independently-initiated and submitted by a prospective contractor with the intent of obtaining a contract;
- (3) of sufficient size and benefit to warrant a full review process by the Authority;
- (4) presented in sufficient detail so that the benefit to the Authority is clear; and,
- (5) aimed at meeting a defined need of the Authority.

Valid unsolicited proposals do not include proposals that are vague offers or are: (1) for research or further development; (2) proposal explorations; (3) technical inquiries; (4) standard, off-the-shelf products or services; (5) requests for product endorsement or capital funds to bring a product to market; and, (6) prove impossible to evaluate due to lack of information.

### **Program**

The Authority's Chief Executive Officer (CEO) has the lead responsibility for the development and implementation of the Authority's Unsolicited Proposals program. The CEO may designate appropriate staff to be responsible for developing and implementing a program in compliance with this policy.

In order to ensure unsolicited proposals are reviewed in a thorough and transparent manner, procedures are to be developed for the receipt, evaluation and timely disposition of unsolicited proposals within the framework of the following four steps:

#### **Intake**

The first step in the process is to create a defined and easily navigable system for interested parties to submit their proposals. Once in place, this will allow the Authority to receive proposals and collect a non-refundable, non-negotiable fee to cover the Authority's costs of reviewing such proposals. Following receipt, Authority staff will log and record details of proposal, then notify the steering committee of review requirement and set a timeline for evaluation.

#### **Screen**

Staff will then assess the proposal against already established Authority policies and framework. This will be followed by a high-level and detailed project screening for scope, feasibility, complexity, synergies, financial/benefit analysis, relevant studies, and budget impact. If a proposal is deemed to be consistent or beneficial to the project, staff will initiate the next step in line within the established frame work (i.e. initiate detailed screening).

#### **Decision**

Once reviewed extensively by staff and determined to be of merit, the proposal will be brought to executive management for review. Upon conducting another level of review, executive management will determine whether or not the proposal is worthy of pursuing and if so, recommend that the staff move forward with procurement.

#### **Procurement**

Depending on the size, scope, and nature of the proposal, staff may come to the Board for approval of their recommendation to proceed to procurement. Whether or not staff goes to the Board for approval, once it has been determined to move forward, a competitive procurement will take place.

The procedures shall include controls on the reproduction and disposition of proposal material, particularly data identified by the offeror as subject to duplication, use, or disclosure restrictions in accordance with the California Public Records Act and other applicable state and federal requirements.

### **Statutory and Administrative Authority**

The Authority will obtain any additional statutory and administrative authority, if required, to implement the Unsolicited Proposals program.

### **Best Practices**

The Authority will review and adopt best practices, if appropriate, from existing unsolicited proposal policies including federal guidelines (48 CFR 15, Subpart 15.6) and other state policies including Virginia, Indiana, Nevada and Texas.